

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Jim Spelman

Serial No.: 09/814,210

Group Art Unit: 3611

Filed: March 21, 2001

Examiner: Cassandra Hope Davis

For: HAND-HELD PLACARD DISPLAY INCORPORATING A PLURALITY
OF INDIVIDUAL MESSAGES MOUNTED IN A CIRCULAR BINDING
FASHION

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

Responsive to the Office Action dated October 3, 2003, made final, and concurrent with the Petition to Revive for Unintentional Abandonment under 37 CFR 1.137(b) and accompanying Notice of Appeal, Applicant hereby appeals the final rejection of the claims, averring the following:

1.0 Real Party in Interest.

The party named in the caption of this brief, i.e., Jim Spelman, is the real party in interest in the present application.

2.0 Related Appeals and Interferences.

No other appeals or interferences are known by Applicant to be pending and which will have any effect on the Board's decision in the pending appeal.

*7/ Appeal Brief
J. Smith
7/5/08*

3.0 Status of Claims.

Claims 1-16 and 8-12 remain pending in the application and are the subject of this appeal.

4.0 Status of Amendments.

The only amendment presented by Applicant in this application, namely Amendment A filed June 24, 2002, was entered and responded to by the Examiner's subsequent and Final Office Action dated October 3, 2003.

5.0 Summary of Claimed Subject Matter.

A hand-held signal display device 10 (page 5, line 9, Fig. 1) for use by a driver 12 (page 5, line 12, Fig. 3) or other occupant of a vehicle 14 (page 5, line 12, Fig. 3) and in order to communicate desired messages to the drivers or occupants of other vehicles (not shown) during specific driving situations. The device 10 includes a support with a handle portion 16 (page 5, line 21, Fig. 1) and an interconnecting and substantially planar display portion 18 (page 5, line 22, Fig. 1). The handle and display portions of the support are constructed of an integrally formed material (typically molded or casted) and such as a polymer or plasticized resin. The display portion 18 further includes a first surface 20 (page 5, line 25, Fig. 1) and a second oppositely facing surface 22 (page 5, line 26, Fig. 1) defining therebetween a specified thickness 24 (page 5, line 26, Fig. 1).

A plurality of individual and stackable sheets of material 26 (page 5, line 26, Fig. 1) each display a selected message on at least one side thereof and which is according to a selected content, coloring and lettering style. Each of the sheets of material 26 are constructed of a semi-rigid poster board material of a sufficient size and dimension so that the content of the message is easily visible to surrounding motorists. In a preferred variant, a six inch height and a twelve inch width have found to be most effective in both the ease of manipulation of the device by the

user 12 within the vehicle 14, as well as being visible to occupants in the vehicle or vehicles being signaled.

The sheets are pivotally bound to the planar display portion of the support so that the selected message is displayed on a first selected sheet located upon the first surface and may be rotated to abut against the second oppositely facing surface to reveal an underlying and second selected sheet located upon the first surface and displaying a further selected message. The direction of the pivotal rotation is indicated by arrow 30 (page 6, line 18, Fig. 1) and the underlying messages are illustrated at 32, 34, et seq. (page 6, line 19, Fig. 1) in succeeding fashion beneath the initial message 28.

The pivotal binding of the display device requires at least one binding ring engaging through the display portion 18, between the first 20 and second 22 oppositely facing surfaces, and proximate an extending edge 35 (page 6, line 22, Fig. 1) located opposite the handle portion 16. A pair of first 36 and second 38 binding rings (page 6, line 24, Fig. 1) are located at specified and spaced apart distances. Each of the rings 36 and 38 is capable of being separately attachable and disengageable from the display portion by a first pivotally associated and arcuately configured portion 40 (page 6, line 29, Figs. 1 and 4) and second pivotally associated and arcuately configured portion 42 (page 6, line 29, Figs. 1 and 4). A clasp 44 (page 6, line 30, Fig. 4) extends from an arcuately extending end of each of the first configured portion 40 and is receivingly engaging within an aperture 46 (page 6, line 32, Fig. 4) defined proximate an end of the second associated configured portion 42 and upon rotating the first 40 and second 42 configured portions towards each other and in an engaging position.

An alternative embodiment of the present invention is illustrated at 48 (page 7, line 4, Fig. 2) and again includes a support with a handle portion 50 (page 7, line 6, Fig. 2) and an

interconnecting and substantially planar display portion 52 (page 7, line 6, Fig. 2) with a first surface 54 (page 7, line 7, Fig. 2) and a second oppositely facing surface 56 (line 7) defining therebetween a specified thickness 58 (line 8). A plurality of spiral binding portions 60 (page 6, line 8, Fig. 2) are illustrated engaging through the display portion 52, between the first 54 and second 56 facing surfaces, and proximate an extending edge 62 (line 10) opposite the handle portion. The spiral bindings can take the form of a continuously curled and elongate extending strip which is bound through an associated plurality of spaced apertures defined proximate the top extending edge 62.

A display mount 64 (page 7, line 19, Fig. 3), at a specified location within the vehicle such as upon a top surface of a dashboard 66 (page 7, line 20, Fig. 3) or other fixed location, is easily and safely accessible by the operator or other occupant in the vehicle 14. The display mount 64 may seatingly engage the handle portion (such as portion 16 of first variant 10) and so that the message arrayed upon the display portion is visible to occupants of other vehicles. This is in addition to the first preferred embodiment in which the placard display 10 or 48 is hand-held.

6.0 Ground of Rejection to be Reviewed on Appeal.

The issues presented for review include the rejection of claims 1, 2, 3, 4, 8, 9 and 11 as anticipated by Guthrie, Australian Patent AU-A-25136/84; the rejection of claim 6 as being obvious over Guthrie in view of Johnston, U.S. Patent No. 2,915,849; the rejection of claim 10 as being obvious over Guthrie; the rejection of claim 5 as being obvious over Guthrie in view of Morden, U.S. Patent No. 841,706; and the further rejection of claim 7 as being obvious over the combination of Guthrie in view of Dinstbir, U.S. Patent No. 3,237,330.

7.0 Argument.

Claims 1, 2, 3 4, 8, 9, 11- 102(b) under Guthrie AU 84 25136

Guthrie teaches a communication board for vehicles including, in relevant part, a lightweight plastic, wooden or metal panel 12 upon which are mounted, in spiral bound fashion, a plurality of progressively shorter and stacked flaps, each bearing a message of some type. A pair of rings engage spaced apart holes at locations along a top edge of the panel.

A. Claim 1

While arguably conceptually relevant to the present invention, it is submitted that the present claims recite certain features not disclosed or rendered obvious by Guthrie. In particular, no suggestion is made by Guthrie as to the recitation of the display mount at a specified location within the vehicle and within which may be seated the handle portion of the display device. This is particularly recited in claim 1. Guthrie, as best understood from its description, is related to a communication system for passing visual messages of a courtesy nature, such as during one vehicle passing another. In contrast, the present invention describes and claims a safety oriented inter-auto display device which permits the application of warning messages, such as particularly related to vehicle faults not detectable by the recipient of the visually displayed message. Accordingly, the present invention introduces a safety aspect not found in Guthrie. An example of this would be a "driver needs help" notice by which a safety message may be communicated either to or from a vehicle occupant requiring assistance. The present invention further may operate as a warning of an impending or actual vehicle fault, again to or from an affected vehicle/driver.

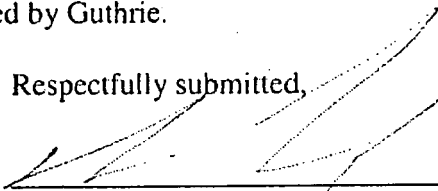
B. Claim 2

The flaps 17 described in Guthrie further do not suggest or teach a semi-rigid poster board material as further recited in claim 2. This is in addition to the safety directed features as pointed out in claim 1.

C. Claims 3 and 4

Guthrie does not teach or suggest the rings each being separately attachable and disengageable from the display portion. This allows for the quick replacement or supplement of safety-related messages not taught or suggested by Guthrie.

Respectfully submitted,



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Claims Appendix

1. A hand-held inter-auto display device, comprising:

a support including a handle portion and an interconnecting and substantially planar display portion, said display portion having a first surface and a second oppositely facing surface defining therebetween a specified thickness;

a display mount at a specified location within a vehicle and within which may be seatingly engaged said handle portion;

a plurality of individual and stackable sheets of material, each of said sheets displaying a selected message on at least one side thereof; and

said sheets being pivotally bound to said planar display portion of said support so that a selected message, displayed on a first selected sheet located upon said first surface, may be rotated to abut against said second oppositely facing surface and to reveal an underlying and second selected sheet located upon said first surface and displaying a further selected image;

said display device decreasing the instances of driver frustration and road rage, concurrent with establishing better overall attitudes of drivers when on the road.

2. The hand-held inter-auto display device according to claim 1, said plurality of individual and stackable sheets each further comprising a semi-rigid poster-board material.

3. The hand-held inter-auto display device according to claim 1, said pivotally binding further comprising at least one binding ring engaging through said display portion, between said first and second facing surfaces, and proximate an extending edge opposite said handle portion.

4. The hand-held inter-auto display device according to claim 3, further comprising a pair of first and second binding rings located at specified and spaced apart distances, each of said rings being separately attachable and disengageable from said display portion.

5. The hand-held inter-auto display device according to claim 4, each of said binding rings further comprising a first pivotally associated and arcuately configured portion and a second pivotally associated and arcuately configured portion, a clasp extending from an end of said first configured portion and receivingly engaging within an aperture defined proximate an end of said second configured portion.

6. The hand-held inter-auto display device according to claim 3, further comprising a plurality of spiral binding portions engaging through said display portion, between said first and second facing surfaces, and proximate an extending edge opposite said handle portion.

8. The hand-held inter-auto display device according to claim 1, each of said messages being presented according to a selected content, coloring and lettering style.

9. The hand-held inter-auto display device according to claim 1, said handle portion and planar display portion comprising an integrally formed material selected from a group including polymers and plasticized resins.

10. The hand-held inter-auto display device according to claim 1, said handle portion and planar display portion being integrally constructed, each of said plurality of message bearing sheets further defining a width of substantially twelve inches and a height of substantially six inches.

11. A hand-held inter-auto display device, comprising:

a support including a handle portion and an interconnecting and substantially planar display portion, said display portion having a first surface and a second oppositely facing surface defining therebetween a specified thickness;

a plurality of individual and stackable sheets of material, each of said sheets displaying a selected message on at least one side thereof, each of said messages being presented according to a selected content, coloring and lettering style, said plurality of individual and stackable sheets each further comprising a semi-rigid poster-board material; and

said sheets being pivotally bound to said planar display portion of said support so that a selected message, displayed on a first selected sheet located upon said first surface, may be rotated to abut against said second oppositely facing surface and to reveal an underlying and second selected sheet located upon said first surface and displaying a further selected message, said pivotal binding further comprising at least one binding ring engaging through said display portion, between said first and second facing surfaces, and proximate an extending edge opposite said handle portion;

said display device decreasing the instances of driver frustration and road rage, concurrent with establishing better overall attitudes of drivers when on the road.

12. An inter-auto display device for use by an occupant of a first vehicle for communicating to occupants of at least one additional vehicle, said display device comprising:

a support including a handle portion and an interconnecting and substantially planar display portion, said display portion having a first surface and a second oppositely facing surface defining therebetween a specified thickness;

a plurality of individual and stackable sheets of material, each of said sheets displaying a selected message on at least one side thereof, each of said messages being presented according to a selected content, coloring and lettering style, said plurality of individual and stackable sheets each further comprising a semi-rigid poster-board material; and

said sheets being pivotally bound to said planar display portion of said support so that a selected message, displayed on a first selected sheet located upon said first surface, may be rotated to abut against said second oppositely facing surface and to reveal an underlying and second selected sheet located upon said first surface and displaying a further selected message, said pivotal binding further comprising at least one binding ring engaging through said display portion, between said first and second facing surfaces, and proximate an extending edge opposite said handle portion;

said display device decreasing the instances of driver frustration and road rage, concurrent with establishing better overall attitudes of drivers when on the road.

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Evidence Appendix

None

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Related Proceedings Appendix

None